

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

JOSEPH A. CIGLER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 2:15cv17
)	
OCWEN LOAN SERVICING, LLC,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court on a request to reopen this case, filed by Joseph A. Cigler (“Cigler”), proceeding *pro se*, on April 3, 2015. The defendant, Ocwen Loan Servicing, LLC (“Ocwen”), filed its response on April 17, 2015.

For the following reasons, the motion will be denied.

Discussion

On March 18, 2015, this court entered an Opinion and Order granting Ocwen’s motion to dismiss for failure to state a claim and denying Cigler’s motion to remand the case back to state court. Cigler has now filed a short, half-page motion requesting that his case be reopened. Cigler states that he “was never notified of the motion”. Although Cigler doesn’t explain, the court presumes that he is alleging he was never notified of the motion to dismiss.

In response, Ocwen has filed a “supplemental certificate of service” wherein Ocwen’s counsel certifies that on January 21, 2015, Ocwen’s motion to dismiss and the corresponding memorandum in support, was sent via U.S. Mail and Fed Ex Priority Overnight to Cigler, at his address of record. Ocwen has attached, as Exhibit A, a copy of the FedEx confirmation.

Ocwen also points out that this Court also notified Cigler of Ocwen’s motion to dismiss.

On January 21, 2015, the day after Ocwen filed its motion, the Court issued an order informing Cigler that he had until February 4, 2015 to respond to the motion. [DE 7] This order was mailed to Cigler at his address of record.

As Cigler was notified at least twice of the filing of the motion to dismiss, by delivery of notices at his address of record, his motion to reopen the case will be denied. The court reminds Cigler that it is his duty to keep the court and opposing counsel notified of any address changes.

Conclusion

On the basis of the foregoing, Cigler's motion to reopen [DE 14] is hereby DENIED.

Entered: May 27, 2015.

s/ William C. Lee
William C. Lee, Judge
United States District Court